

U.P. Electricity Regulatory Commission, Lucknow

Notification No. UPERC/ 3323/Regulation/04
2004

Lucknow, Dated 02 April,

U.P. Electricity Ombudsman (Terms & Conditions of Service) Regulations, 2003

In exercise of the power conferred on it by Section 181 read with Sub-section (5), (6) & (7) of section 42 of The Electricity Act, 2003 (Act No.36 of 2003) and all other powers enabling in this behalf, the UP Electricity Regulatory Commission lays down the following Regulations, namely;-

1. Short title and commencement

- a) These Regulations may be called the **“U.P. Electricity Ombudsman (Terms & Conditions of Service) Regulations 2003”**.
- b) These extend to the whole of the State of Uttar Pradesh.
- c) These shall come into force on the date of its publication in the Uttar Pradesh Government Gazette.
- d) The original regulation will be in English and it will be translated in Hindi. In case of any dispute the English version shall prevail.

2. Definitions

- 2.1 **“Commission”** means the Uttar Pradesh Electricity Regulatory Commission
- 2.2 **“Chairperson”** means Chairperson of the Commission
- 2.3 **“Ombudsman”** means an authority to be appointed or designated by the Commission under sub-section (6) of Section 42 of the Electricity Act, 2003 and these Regulations
- 2.4 **“Consumer Grievance Redressal Forum”** means the Forum constituted by the distribution licensee pursuant to section 42(5) of the Electricity Act, 2003 and the UPERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2003
- 2.5 **“Licensee”** means a licensee authorized to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply.
- 2.6 **“Electricity Supply Code”** means the Electricity Supply Code as approved or specified by the Commission from time to time.

3. Appointments and Tenure

- 3.1 The UP Electricity Regulatory Commission shall designate/appoint one or more persons to be known as Electricity Ombudsman to carry out the functions entrusted to him by these regulations.
- 3.2 Appointment of Ombudsman shall be by selection through open advertisement. The Selection Committee shall comprise the Chairman & Members of the Commission as well as an Expert from Power Sector. The Chairperson of the Commission shall be

the Chairperson of the Selection Committee. Provided that this clause shall not apply when the Commission designates Ombudsman.

- 3.3 The appointment of Electricity Ombudsman under this Clause may be made for a period not exceeding three years. Provided that the tenure of an Electricity Ombudsman, may be extended by the Commission for a further period not exceeding two years subject to an over all age limit of 60 years. Provided that no person shall be appointed as Ombudsman after he attains the age of 57 years.
- 3.4 The Electricity Ombudsman appointed under sub-clause 3.1 shall devote his whole time to the affairs of his office.
- 3.5 The Electricity Ombudsman shall be deemed to be Public Servant within the meaning of Section 21 of the Indian Penal Code, 1860 (No.45 of 1860).
- 3.6 The Electricity Ombudsman may relinquish his office by giving in writing to the Commission a notice of not less than three months. Where the Commission is satisfied that in the public interest or for reasons of incapacity of the Electricity Ombudsman, it is necessary to do so, it may, for reasons to be recorded in writing and by giving him one months' notice or by paying one months' consolidated emoluments in lieu of the notice period, remove the Electricity Ombudsman from his office.

4. Territorial Jurisdiction

The territorial limits of Electricity Ombudsman extend to the whole of the State of Uttar Pradesh subject to exceptions specified in section 184 of EA 2003. If the Commission appoints more than one Ombudsman, the Commission shall specify the territorial limits of each.

5. Location of office and temporary headquarters

The office(s) of the Electricity Ombudsman(s) will be located at such place(s) as may be specified by the Commission. In order to expedite disposal of complaints, the Electricity Ombudsman may hold sittings at such places with his area of jurisdiction as may be considered necessary and proper by him in respect of a complaint or reference, as the case may be, before him.

6. Qualification

The Electricity Ombudsman shall be an Engineering graduate preferably with knowledge of Law with a minimum of 20 years experience in a public / private electricity utility of which ten years should be in distribution. Exposure to regulatory affairs will be preferred. In exceptional cases the Commission / Selection Committee reserves the right to relax the experience criteria.

7. Remuneration

The Electricity Ombudsman shall be given the pay scale of 18400-500-22400. He shall be entitled to receive other benefits admissible to the Directors of the Commission. Ombudsman on deputation shall have the option to either opt for his/her existing pay scale of the parent department alongwith deputation

allowance prescribed by the State Government or to opt the pay scale as above. The expenditure towards his salary and other admissible benefits shall be paid out of the fund constituted under section 103 of the Electricity Act. Provided, however, that till the time that such fund is constituted the remuneration and other allowances payable to the Ombudsman shall be borne by the Commission and shall be included in its budget.

8. Secretariat

The Electricity Ombudsman shall be provided with a Secretariat of 5 personnel as shown in Table 1 below, taken on deputation from State Government / Central Government / Government Undertakings or public utilities Expenses on this shall be included in the Commission's budget. The establishment of the Secretariat shall be subject to the approval of the State Government pending which officers / staff for this will be drawn from the existing staff of the licensees and placed on duty in the Office of the Ombudsman. The salary of such staff shall continue to be borne by the concerned licensee. Necessary instructions on this matter shall be issued by the Commission.

9. Powers and duties of Electricity Ombudsman

The Electricity Ombudsman shall have the following powers and duties:

- a) To receive the appeal petitions against the order of the Consumer Grievance Redressal Forum and consider such complaints and facilitate their satisfaction or settlement by agreement, through conciliation and mediation between a licensee and the aggrieved parties or by passing an award in accordance with the Electricity Act 2003, provisions of UP Electricity Reforms Act, 1999 not inconsistent with Electricity Act 2003 and Rules or Regulations made there under particularly UPERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2003 and Electricity Supply Code.
- b) The Electricity Ombudsman shall exercise general powers of superintendence over his office and the office of Consumer Grievance Redressal Forum (Constituted by the Licensees under UPERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2003) and shall be responsible for the conduct of business thereat.
- c) The Electricity Ombudsman shall specify the procedure to be adopted for issue of notices, calling attendance, examination on oath, receipt of evidence and requisitioning of records
- d) The Electricity Ombudsman shall specify the form and manner in which a representation is to be submitted before him.
- e) The Electricity Ombudsman shall have the powers to incur expenditure on behalf of the office. In order to exercise such power, the Electricity Ombudsman will draw up an annual budget for his office in consultation with the Commission and

shall exercise the powers of expenditure within the approved budget. The annual accounts of the Office of the Ombudsman shall be maintained in such manner & formats as specified by the Commission.

- f) Any other matter referred by the Commission.

10. Powers to call information

- 10.1 The Electricity Ombudsman shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or produce any document, which may be useful for or relevant to the subject matter of the complaint before the Ombudsman.
- 10.2 For the purpose of carrying out his duties, an Electricity Ombudsman may require the licensee named in the complaint to furnish certified copies of any document relating to the subject matter of the complaint, which is or is alleged to be in its possession, within 15 days. Provided that in the event of failure of a licensee to comply the requisition without any sufficient cause, made under this clause, the Electricity Ombudsman may, if he deems fit, draw the inference that the information, if provided or copies if furnished, would be unfavorable to the licensee and proceed to settle the case on that basis.
- 10.3 The Electricity Ombudsman shall maintain confidentiality of any information or document coming into his knowledge or possession in the course of discharging his duties and shall not disclose such information or document to any person except with the consent of the person furnishing such information or document. Provided that nothing in this clause shall prevent the Electricity Ombudsman from disclosing information or document furnished by a party in a complaint to other party or parties, to the extent considered by him to be reasonably required to comply with the principles of natural justice and fair play in the proceedings.

11. Savings

Nothing contained in these regulations shall affect the rights and privileges of the consumers under any other law for the time being in force, including the Consumer Protection Act, 1986 (68 of 1986).

12. Powers to remove difficulties

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, direct the licensee to take suitable action, not being inconsistent with the Electricity Act, 2003, which appears to it be necessary or expedient for the purpose of removing difficulties.

13. Power to amend

The Commission may, at any time add, modify, delete or amend any provision of these Regulations subject to the provision of the Electricity Act, 2003

Table-1: Staff in the office of the Ombudsman

Name of the Post Staff	Strength	Pay scale
Assistant Director (Technical)	1	8000-13500
Assistant Director (Law)	1	8000-13500
Personal Secretary Grade-II	1	5500-9000
Clerk-cum-Computer Operator	1	4500-7000
Peon/Messenger	1	2550-3200

By order of the Commission

Secretary